

RECEIVED

FEB 09 2017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT OF WATER RESOURCES
SOUTHERN REGION

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
45-12773	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: ALMA C CLARK; ANNE CLARK; ELIZABETH CLARK

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): ELLEN CLARK

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

925 WEST 200 NORTH LOGAN, UT 84321
 Mailing address City State ZIP
435-881-2979 ellen@streamworks.info
 Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 2001 QUICK CLAIM DEEDS: 2011

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Ellen Clark 2-FEB-'17
 Signature of new owner/claimant Title, if applicable Date

Signature: _____
 Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by _____ Date _____

I AM IN THE "COUNTY" WITH LESS THAN 5 ACRES.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 27, 2017

RECEIVED

FEB 09 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

ALMA C CLARK, ANNE CLARK, ELIZABETH CLARK
C/O ELLEN CLARK, TRUSTEE
690 N 100 E
LOGAN UT 84321

RE: Water Right No. 45-12773

Dear Property Owner(s):

We have been advised that you may be the current owner &/or water right holder of the property associated with the water right(s) referenced above. The department recently mailed the enclosed correspondence, which was mailed to the current owner on record, Alma C Clark, Anne Clark, & Elizabeth Clark. However it was returned to us by the Post Office. The Post Office did provide a forward address for Alma C Clark, and as a courtesy, a copy of the letter dated January 12, 2017 has been sent to her again.

But after further research it was discovered that the property may have changed ownership. Enclosed is additional information, for your review. Before we can modify our records to reflect proper ownership of this water right, we need to have the enclosed Notice of Change in Water Right Ownership form completed. Please follow the instructions attached to the form and return to this office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Denise Maline
Administrative Assistant

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 10, 2017

ELLEN CLARK
925 W 200 N #A3
LOGAN UT 84321

RE: Change of Ownership for Water Right Nos. 45-12773

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s). The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure(s)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/27/2017

Water Right 45-12773

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANNE CLARK 2000 BENNETT AVE BURLEY, ID 83318
Current Owner	ELIZABETH CLARK 2000 BENNETT AVE BURLEY, ID 83318
Current Owner	ALMA C CLARK 2932 S CHIEFTAIN WY BOISE, ID 83709-3403 (208)678-8235

ELLEN CLARK
925 WEST 200 No. #A-3
LOGAN, UTAH
84321

435-881-2979

Priority Date: 7/15/1952

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.100 CFS	13.6 AF
DOMESTIC	01/01	12/31	0.040 CFS	0.6 AF
	<u>Total Diversion</u>		0.140 CFS	14.2 AF

Source and Point(s) of Diversion

GROUND WATER SWNW Sec. 28, Twp 10S, Rge 23E, CASSIA County

Place Of Use

IRRIGATION within CASSIA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	23E	28							3.4										3.4

POU Total Acres: 3.4

DOMESTIC within CASSIA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	23E	28							X										

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/27/2017

Dates and Other Information

Decreed Date: 5/13/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 140
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

Send Tax Notices, and
When recorded, return to:
Ellen Clark, Trustee
690 North 100 East
Logan, Utah 84321

QUIT-CLAIM DEED

ELLEN CLARK, Grantor, of Logan, Cache County, State of Utah, hereby quit-claims to ELLEN CLARK, Trustee of the ELLEN CLARK INTER VIVOS TRUST, dated September 16, 2000, and amended October 17, 2011, and again amended March __, 2015, of Logan, Cache County, State of Utah, Grantee, subject to a Life Estate in favor of Grantor's Father, ALMA CLARK: for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following described tracts of land in Cassia County, State of Idaho:

PARCEL No. 1 – ID#RP10S23E283621 A
Ref. Recording No. 2011-004083

PARCEL No. 2 – ID# RP10S23E283763 A
Ref. Recording No. 2011-004084

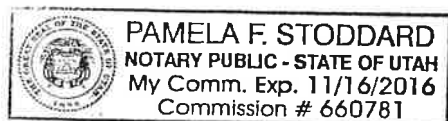
SEE ATTACHED EXHIBIT "A"
For Legal Descriptions

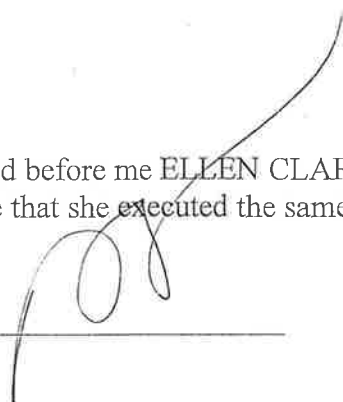
WITNESS, the hand of said Grantor, this 3 day of MARCH, 2015.


ELLEN CLARK

STATE OF UTAH)
 : ss.
County of Cache)

On the 3rd day of March, 2015, personally appeared before me ELLEN CLARK, the signer of the within instrument, who duly acknowledged to me that she executed the same.





NOTARY PUBLIC

EXHIBIT "A"

PARCEL NO. 1:

**TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 28: Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; Thence North 89°04'25"
West (North 89°04'55" West rec.) along the North line of said
SW $\frac{1}{4}$ NW $\frac{1}{4}$ for 424.00 feet to the Point of Beginning;
Thence South 00°01'40" East for 422.27 feet;
Thence North 83°31'43" West for 386.27 feet;
Thence North 41°45'24" West for 51.60 feet;
Thence North 89°06'00" West for 75.00 feet;
Thence North 05°06'49" East (North 5° 06'37" East rec.) for 322.85 feet (323.01
feet, rec.);
Thence North 89°04'41" West (North 89°06' West rec.) Parallel with the North
line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ for 389.84 feet to a point of curvature;
Thence along an arc of a curve to the left for 15.87 feet (15.86 feet rec.), said
curve has a radius of 10.00 feet, a central angle of 90°54'05" (90°53'
rec.) And a long chord bearing South 45°28'03" West for 14.25 feet to a
point on the East boundary line of Hiland Avenue;
Thence North 00°01'00" East along said East boundary line of Hiland Avenue
for 35.16 feet to a point on the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, said point
bears South 89°04'41" East for 30.00 feet from the Northwest corner of
said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence South 89°04'55" East along the North line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ for 864.29
feet, more or less, to the Point of Beginning.

EXCEPTING THEREFROM the following tracts:

-Continued-

CONTINUATION

EXHIBIT "A"

Tract No. 1:

Beginning at the Northeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 8, said corner marked by a 5/8 inch rebar on top of a U.S. GLO iron pipe with brass cap; Thence North 89°04'25" West along the North line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 424.00 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence South 00°01'40" East parallel with the East line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 160.00 feet to a ½ inch rebar;

Thence North 89°04'25" West for a distance of 120.39 feet to a ½ inch rebar on the centerline of a road;

Thence North 07°37'45" West (North 7°37'01" West rec.) along the centerline of a road for a distance of 4.81 feet to a ½ inch rebar;

Thence North 18°33'12" West (North 18°35'18" West, rec.) Along the centerline of a road for a distance of 138.42 feet to a ½ inch rebar;

Thence North 25°33'27" West (North 25°35'33" West, rec.) Along the centerline of a road for a distance of 27.62 feet to a ½ inch rebar on the North line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence South 89°04'25" East (South 89°04'55" East, rec.) along the North line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 176.92 feet to the Point of Beginning.

Tract No. 2:

Beginning at the Northeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said corner marked by a 5/8 inch rebar on top of a U.S. GLO iron pipe with brass cap; Thence North 89°04'25" West along the North line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 424.00 feet to a ½ inch rebar; Thence South 00°01'40" East parallel with the East line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 160.00 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence South 00°01'40" East parallel with the East line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 25.00 feet to a ½ inch rebar;

Thence North 89°04'25" West for a distance of 117.05 feet to a ½ inch rebar on the centerline of a road;

Thence North 07°37'45" West (North 7°37'01" East, rec.) Along said centerline for a distance of 25.28 feet to a ½ inch rebar;

Thence South 89°04'25" East for a distance of 120.39 feet to the Point of Beginning.

CONTINUATION

EXHIBIT "A"

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said corner marked by a 5/8 inch rebar; Thence South 00°01'00" West along the West section line for a distance of 35.16 feet (35.0 feet rec.); Thence South 89°04'41" East (South 89°06' East rec.) for a distance of 30.0 feet to a ½ inch rebar on the East right of way of Hiland Ave.; Thence along a curve to the right for a distance of 15.87 feet to a ½ inch rebar on the South right of way of East 19th Street (vacated), said curve having a radius of 10.00 feet and a central angle of 90°54'19" and a long chord bearing of North 45°28'10" East for a distance of 14.25 feet; thence South 89°04'41" East (South 89°06' East rec.) along said right of way for a distance of 241.66 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence South 89°04'41" East (South 89°06' East rec.) continuing along said right of way for a distance of 148.18 feet to a ½ inch rebar;

Thence South 05°06'49" West (South 05°06'37" West rec.) for a distance of 322.85 feet (323.01 feet rec.) to a ½ inch rebar;

Thence South 86°25'12" West (South 86°26'21" West rec.) for a distance of 119.72 feet to a ½ inch rebar;

Thence North 00°01'00" East for a distance of 331.42 feet to the Point of Beginning.

ORDINANCE NO. 1065

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO,
VACATING EAST 19TH STREET ADJACENT TO LOTS 8,
9, 10, 11, 12, AND 13 OF BLOCK 17 OF SUBURBAN
PARK ADDITION NO. 4 TO THE CITY OF BURLEY;
PROVIDING THAT THE VACATED STREET SHALL
REVERT TO THE OWNERS OF THE ADJACENT NUMBERED
LOTS AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL:

Section 1. East 19th Street adjacent to Lots 8, 9, 10, 11, 12, and 13, of Block 17 in Suburban Park Addition No. 4 to the City of Burley, Cassia County, Idaho, is vacated.

Section 2. The vacated street shall revert to the owners of the adjacent Lots 8, 9, 10, 11, 12, and 13, Block 17, of Suburban Park Addition No. 4 to the City of Burley, Idaho, as the City Council deems it in the best interest of the adjoining properties.

Section 3. This ordinance shall be effective from its passage, approval by the Mayor and publication.

PASSED May 1st, 1995.

APPROVED May 1st, 1995.

CITY OF BURLEY

BY Frank Suman
Mayor

ATTEST:

E. E. Suman
City Clerk

